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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/000,743	12/30/97	VIDAL	J 6317/2

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EXAMINER

HUBER, F

ART UNIT	PAPER NUMBER
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2753

DATE MAILED: 07/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/000,743

Applicant(s)
Vidal et al.

Examiner
Huber, Paul W.

Group Art Unit
2753



☒ Responsive to communication(s) filed on Oct 20, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-34 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-34 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The abandonment of the application (mailed March 14, 2000) is withdrawn. The applicant was not required to file a response to the Office Action mailed August 5, 1999, as stated in the Interview Summary dated October 20, 1999. The Office Action as follows applies:

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 4, 5, 7-11, 19, 20, 22, 23, 25, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Galbi (USP-5,864,817).

Galbi discloses "an audio/video decoder [that] decodes MPEG standard data streams to provide an audio signal and a video signal" (col. 3, lines 24-26). The decoder includes a "unit for decoding and decompressing video data or audio data depending on whether [the] decoder 100 is

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currently decoding video or audio" (col. 3, lines 42-45). "The MPEG standard currently defines three types of audio data frames referred to as layer 1, layer 2, and layer 3 data frames. Decoder 100 in FIG. 1 decodes layer 1 and layer 2 audio data frames" (col. 4, lines 14-17).

Galbi further discloses that "[t]he MPEG standard specifies coded digital representations of audio and video and is intended for continuous data transfer from equipment such as compact disks" (col. 1, lines 45-47). Accordingly, the invention of Galbi teaches that the decoder 100 is intended for use in a compact disk player such that compressed digital audio data recorded on a compact disk can be reproduced and decompressed, thereby producing a non-compressed audio output as claimed.

Regarding claims 4 & 5, typical data compressions of 8-fold are achieved by layer 2 compression. See for e.g., "Frequently Asked Questions about MPEG Audio Layer-3," top of page 2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to

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the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3, 6, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galbi, as respectively applied to claims 1 and 19 above, in further view of the publication, "Frequently Asked Questions about MPEG Audio Layer-3."

Galbi discloses the invention as claimed, but fails to specifically teach that the decoder 100 decodes layer 3 audio data frames. Galbi, however, teaches that layer-3 coding is an alternative MPEG standard (see col. 4, lines 14-17), and the publication, "Frequently Asked Questions ...," teaches in the same field of endeavor that layer-3 coding is useful for achieving even larger data compression on a storage medium.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to program the decoder 100 of Galbi to decode layer 3 audio data frames as well known in the art and as taught by the publication. A practitioner in the art would have been motivated to do this for the purpose of storing more information on a compact disk.

Claims 12, 13, 15-17, 27, 29, 30, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galbi, as applied to claims 1, 2, 4, 5, 7-11, 19, 20, 22, 23, 25, and 26 above, in further view of Hisamatsu et al. (USP-5,889,747).

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Galbi discloses the invention as claimed, including a reproducing system for reproducing compressed digital audio data from a compact disk and decompressing the digital audio data using MPEG Layer decoding, but fails to specifically teach a recording system which receives and compresses audio data using MPEG Layer coding and records the compressed digital audio data onto a compact disk, wherein the received audio data is reproduced from another compact disk. However, Hisamatsu teaches that it is manifestly well known in the art that one can duplicate or copy information by first reproducing digital audio data from a first CD then compressing, encoding, and then storing the digital audio data onto a second CD as claimed, (e.g., *see* Class 369, Subclass 84), for the purpose of making a duplication or copy of the information stored on the first CD.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Galbi, in accordance with the teachings of Hisamatsu, to include a recording system which receives and compresses audio data using MPEG Layer coding and records the compressed digital audio data onto a compact disk, wherein the received audio data is reproduced from another compact disk as claimed. A practitioner in the art would have been motivated to do this for the purpose of making a duplication or copy of the information stored on a first compact disk, wherein the information dubbed onto the second compact disk is MPEG Layer encoded.

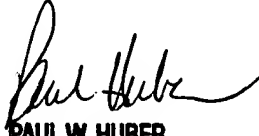
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Claims 14, 18, 28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galbi and Hisamatsu et al., as respectively applied to claims 13, 17, 27, and 30 above, in further view of the publication, "Frequently Asked Questions about MPEG Audio Layer-3."

Galbi as modified above discloses the invention as claimed, but fails to specifically teach the use of MPEG Layer 3 encoding, i.e., MPEG Layer 1 and Layer 2 encoding is employed. Galbi, however, teaches that layer-3 coding is an alternative MPEG standard (see col. 4, lines 14-17), and the publication, "Frequently Asked Questions ...," teaches in the same field of endeavor that layer-3 coding is useful for achieving even larger data compression on a storage medium.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use MPEG Layer 3 compression as well known in the art and as taught by the publication. A practitioner in the art would have been motivated to do this for the purpose of storing more information on a compact disk.

Any inquiry concerning this communication should be directed to Paul W. Huber at telephone number (703) 308-1549.


PAUL W. HUBER
PRIMARY EXAMINER

pwh
July 18, 2000